

REMARKS/ARGUMENTS

Claims 1 and 2 have been canceled.

Claims 3 through 21 are pending.

Claims 3, 5 and 6 have been amended.

No new subject matter has been added.

Objected Claim

Claim 3 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Thus, claim 3 has been amended to overcome this objection. It is noted that claim 3 has not been narrowed by the amendments, because all the limitations were present in the original base claim as filed.

Double Patenting Rejection

Claim 1 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,660,762.

Claim 1 has been canceled, thereby obviating the basis of the rejection.

Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. 112

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claim 1 has been canceled, thereby obviating the basis of the rejection.

Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 102

Claim 2 and 4-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Windholz et al. (Merck Index, Abstract No. 4534).

Claim 2 has been canceled, thereby obviating the basis of the rejection.

Because claims 4-21 depend directly from claim 3, incorporate all the limitations of claim 3, and claim 3 is found to be allowable, the above argument obviates the basis for this ground of rejection. Thus, claims 4-21 are not anticipated or made obvious by Windholz et al..

Reconsideration and withdrawal of this rejection is respectfully requested.

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

Conclusion

Applicants again note with thanks the Examiner's recognition of claim 3 (and subsequently claims 4 through 21) as allowable. Applicant respectfully submits that all of claims 3 through are in condition for allowance. Reconsideration and a Notice of Allowance for all pending claims is respectfully requested.

This response is being submitted on January 17, 2005, making this a timely response. A Petition for a three (3) month Extension of Time and appropriate fee are being filed in conjunction herewith. However, if the fee is insufficient, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment, to Deposit Account No. 04-1420.

Respectfully submitted,

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Date: 2/17/05

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